



JAMES E. JOHNSON  
Corporation Counsel

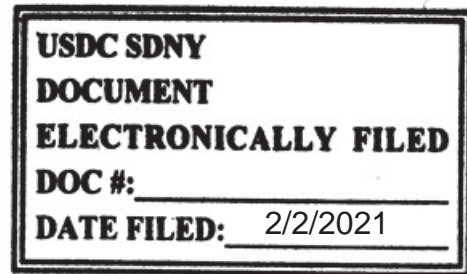
THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

DORIS F. BERNHARDT  
Tel.: 212.356.2296  
dbernhar@law.nyc.gov

February 2, 2021

**By ECF**

Hon. Robert W. Lehrburger, U.S.M.J.  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1960  
New York, NY 10007



Re: *B.T., et al. v. NYC Dep't of Educ.*, 19-cv-10895 (GBD) (RWL), Joint  
Letter Request for Adjournment of Conference

Dear Judge Lehrburger:

I am an Assistant Corporation Counsel in the office of Corporation Counsel, James E. Johnson, attorney for defendant in the above-referenced action. I write on behalf of plaintiff and defendant to jointly and respectfully request that the Court schedule a settlement conference for March 1, 2021, March 4, 2021 or a date to be determined by the Court and that the initial pre-trial conference currently scheduled for February 11, 2021 be adjourned *sine die*.

This matter involves plaintiff's request for attorney's fees, costs and expenses under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* for work allegedly performed in connection with two impartial hearings and the instant lawsuit. Plaintiff also sought relief under Title 42 of the United States Code Section 1983 in connection with an alleged failure to implement the relief awarded in the aforementioned impartial hearings. (See Amended Complaint, Docket No. 9.)

The parties have engaged in settlement discussions and have resolved the implementations issues. The parties have also made some progress on the resolution of the attorneys fees. However, at this juncture, the parties believe that the assistance of the Court may be helpful in making further progress. In the event settlement discussions are not successful, the parties anticipate submitting a briefing schedule on plaintiff's request for attorneys fees without the need for further case management. The parties believe that adjourning the initial pretrial conference and scheduling a settlement conference will improve the prospects for settlement by limiting the accrual of attorneys fees, while also conserving judicial resources.

This is the parties' first joint request for a settlement conference and first request for an adjournment of the pre-trial conference to Your Honor. Previously, the parties requested that Judge Daniels refer the parties to Your Honor for a settlement conference. (Docket No. 20.) The parties made five joint requests to Judge Daniels for an adjournment of the pre-trial conference, which were granted. (*See* Docket Nos. 19, 17, 15, 12, 21.)

Accordingly, the parties respectfully request that this matter be scheduled for a settlement conference and that the initial pre-trial conference scheduled for February 11 be adjourned.

Thank you for considering this request.


Respectfully submitted,

/s/ \_\_\_\_\_  
Doris F. Bernhardt

cc: Kevin Mendillo (via ECF)

The initial pretrial conference currently set for February 11, 2021, is canceled. The parties should contact my Chambers and arrange a date for a settlement conference with my Deputy Clerk.

SO ORDERED:  
2/2/2021

  
\_\_\_\_\_  
HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE